



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

R. Douglas Meckes, DVM  
State Veterinarian

February 12, 2019

Lisa Lee  
Colonial Capital Humane Society  
P. O. Box 326  
New Bern, NC 28563

**Re: REVOCATION OF ANIMAL SHELTER REGISTRATION**  
Colonial Capital Humane Society Temporary Storm Animal Shelter  
Certificate of Registration No. 362

Dear Ms. Lee:

Please find enclosed an Order concerning Colonial Capital Humane Society's ("CCHS") operation of an animal shelter registered by the Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") pursuant to NCGS § 19A-26. Based on a complaint investigation and facility compliance inspections, it is apparent that the CCHS willfully disregarded and violated regulations promulgated under the North Carolina Animal Welfare Act ("AWA"). You were provided with the AWA and the rules promulgated thereunder with your license application.

Investigation and inspection of CCHS's practices in the operation of the animal shelter located at 1003 Hwy 70 East, New Bern, NC demonstrated serious deficiencies in the care of the animals in its custody, the maintenance of required records and the compliance with the rules promulgated pursuant to the AWA. The results of the complaint investigation, and the three facility compliance inspections of the shelter, indicate that grounds exist for revocation of your certificate of registration.

The Order describes in detail the factual basis for your certificate of registration revocation. Based on CCHS's willful disregard of the regulations promulgated under the AWA, as set forth more fully in the enclosed Revocation Order, your certificate of registration is hereby REVOKED pursuant to NCGS § 19A-30(2), (3), (6), (7) and (8). This Order of Revocation is effective on the fifth day after you receive it.

Therefore, you are notified to CEASE AND DESIST operation of the animal shelter located at 1003 Hwy 70 East, New Bern, NC within five days of receipt of this letter. You are required to surrender to AWS the registration certificate issued to CCHS for this shelter within 5 days of the revocation becoming effective. If CCHS continues to operate this shelter after the fifth (5<sup>th</sup>) day following receipt of this letter, AWS has the authority to seek legal relief and to impose a civil penalty of up to five thousand dollars (\$5,000.00) per violation pursuant to NCGS § 19A-40.

In addition, pursuant to NCGS § 19A-30:

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

You may contest this decision by filing a petition under the North Carolina Administrative Procedure Act, NCGS § 150B-23, within five (5) days of the Order of Revocation becoming effective. Filing a petition will require a payment of twenty dollars (\$20.00) to the North Carolina Office of Administrative Hearings (see below, "Appeal").

### **APPEAL**

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS § 150B-23. The petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to the N.C. Office of Administrative Hearings. Should you have any questions about what the fee would be for your case, please contact the OAH Clerk's Office at 919-431-3000. Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone 919/733-0926.

You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse  
North Carolina Department of Agriculture and Consumer Services  
Registered Agent and General Counsel  
1001 Mail Service Center  
Raleigh, NC 27699-1001

The President of the Board of Directors for CCHS has been copied on this letter. Should a representative authorized to speak for CCHS wish to discuss this matter or how to proceed going forward, they may contact Dr. Norris at (919) 707-3280. Discussions do not enlarge the deadline to file an appeal.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Norris', with a stylized flourish extending to the right.

Dr. Patricia Norris, DVM,  
Director, Animal Welfare Section  
Veterinary Division, NCDA&CS

Enclosures

cc: Joseph Reardon, Assistant Commissioner, NCDA&CS  
Dr. R. Douglas Meckes, DVM, State Veterinarian, NCDA&CS  
Tina Hlabse, General Counsel, NCDA&CS  
Christopher R. McLennan, Assistant Attorney General  
Rhonda Heath, President of the Board of Directors of CCHS

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT OF  
AGRICULTURE AND CONSUMER SERVICES,  
VETERINARY DIVISION, ANIMAL WELFARE  
SECTION

IN THE MATTER OF

COLONIAL CAPITAL  
HUMANE SOCIETY  
TEMPORARY STORM  
ANIMAL SHELTER

)  
) NOTICE of VIOLATIONS and  
) ORDER of REVOCATION  
) for VIOLATIONS of NCGS §§ 19A-26 and  
) 19A-32.1(h) and (j) and TITLE 02,  
) NC ADMINISTRATIVE CODE (NCAC)  
) CHAPTER 52J, SECTIONS .0101(1) – (5);  
) .0201(a), (c) and (d); .0202(d); .0204(a) and (b)  
) .0207(b)(6) and .0207(c).

Acting pursuant to NCGS §19A-30(2), (3), (6), (7) and (8), Dr. Patricia Norris, Director of the Animal Welfare Section ("AWS"), Veterinary Division, North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

**FINDINGS OF FACT**

1. At all times pertinent to this matter, Colonial Capital Humane Society Temporary Storm Animal Shelter, located at 1003 Hwy 70 East, New Bern, NC ("the shelter"), operated by Colonial Capital Humane Society was an animal shelter, registered pursuant to N.C. General Statute ("NCGS") § 19A-26.
  - a. During the application process, Lisa Lee, representing CCHS, stated on multiple occasions that this shelter would only be open for 90 days and would only house animals needing shelter due to Hurricane Florence. Furthermore, Ms. Lee stated that these animals would be returned to their owners no later than December 20, 2018.
  - b. During the facility compliance inspections ("FCI") on September 25, 2018 and October 30, 2018, Ms. Lee continued to state that the shelter would be closed by December 20, 2018.
2. On January 14, 2019, AWS received a complaint concerning the refusal of the shelter to return 2 cats to the owner that had placed them in the care and custody of the shelter during the aftermath of Hurricane Florence. The complaint investigation revealed the following:
  - a. The complainant's residence was flooded during the hurricane and, as the shelter was set up for the purpose of providing housing for the dogs and cats owned by storm victims, the complainant left the animals with the understanding that the shelter would return the animals once the owner was able to house them.
  - b. According to the complainant's statements and other supporting statements, the owner returned to the shelter to retrieve her cats on December 17, 2018 because she was informed that the shelter was closing on December 20, 2018. According to the statements, Ms. Lee refused to return the cats, stating that the owner had not properly cared for the cats as evidenced by a flea infestation, that the owner did not have safe housing for the cats and that Ms. Lee had deemed the cats abandoned.
  - c. Review of the shelter's medical records for these cats showed that no such flea infestation had been noted for either cat and that the only medical conditions noted were the upper respiratory infections ("URI") the cats contracted during their stay at the shelter.

- d. According to the supporting statements, a CCHS volunteer accompanied the complainant back to her residence, which was being restored from the storm damage, and verified that safe housing for the cats was available at the residence. The CCHS volunteer relayed this information to Ms. Lee, but Ms. Lee was adamant in her refusal to return the cats.
  - e. A review of the shelter records revealed there was no documented declaration of abandonment of these cats and no notification of abandonment sent to the cats' owner.
  - f. Conversations with the Craven County Sheriff's Office revealed that Ms. Lee was continuing to refuse to return the cats to the owner.
  - g. Review of the shelter records and other information noted the movement of 15 cats in the care and custody of CCHS at one time to an unlicensed facility located at 117 Gibbs Road, New Bern, NC for housing. Review of AWS animal shelter registrations confirmed that this location is not registered as an animal shelter as required by NCGS § 19A-26.
3. On January 31, 2019, AWS issued a Warning Letter to CCHS regarding the operation of the shelter. The January 31, 2019 Warning Letter is enclosed and incorporated by reference. In summary, this Warning Letter advised CCHS:
- a. During the shelter application process and subsequent facility compliance inspections, Ms. Lee had stated that this shelter was set up as a 90-day temporary shelter and would close by December 20, 2018.
  - b. The September 25, 2018 FCI of the shelter noted numerous continuing areas of non-compliance with the AWA. This FCI but was marked as "Contingently Approved" with the understanding, based on Ms. Lee's statements, that this shelter would only be open for 90 days or be in full compliance with the AWA if still in operation after that 90-day period.
  - c. The October 30, 2018 FCI noted numerous areas of non-compliance with the AWA continued to be present. This FCI was marked as "Contingently Approved" with the understanding, based on Ms. Lee's statements, that this shelter would only be open for 90 days or be in full compliance with the AWA if still in operation after that 90 period.
  - d. The January 8, 2019 FCI noted that the shelter continued to be in operation, was continuing to intake animals that were not in need of shelter due to the hurricane and had numerous ongoing and some additional areas of non-compliance with the AWA. The January 8, 2019 FCI was marked as "Disapproved" due to the numerous areas of non-compliance with the AWA.
  - e. The January 31, 2019 Warning Letter detailed the various areas of non-compliance with the AWA noted on the September 25, 2018 FCI, the October 30, 2018 FCI and the January 8, 2019 FCI.
  - f. The January 31, 2019 Warning Letter further stated:  
Based on the results of the inspections, the shelter is in violation of NCGS § 19A-32.1(h) and (j); 02 NCAC 52J Sections .0101(1-5) .0201(a), (c) and (d); .0202(d); .0204(a) and (b); and .0207(b)(6) and .0207(c).
  - g. The shelter was directed to immediately cease operation of the shelter or show proof that all deficiencies had been corrected upon receipt of the Warning Letter.
4. The shelter has failed to provide adequate housing facilities and adequate primary enclosures for the purposes of the AWA, and the sanitizing and housing practices at the shelter are not consistent with the intent of the AWA or the rules adopted under the AWA as evidenced by the violations of 02 NCAC 52J, Sections .0201(a), (c) and (d); .0202(d), .0204(a) and (b); .0207(b)(6) and .0207(c).
5. Despite continued representations from Ms. Lee that the shelter would be closed or would be in compliance with the AWA by December 20, 2018, CCHS has failed to do either. As of February 12, 2019, CCHS is continuing to operate the shelter with the deficiencies uncorrected.

## CONCLUSIONS

1. As a result of this investigation, AWS finds that CCHS, either by act or omission, violated the NCGS §§ 19A-26 and 19A-32.1(h) and (j) and 02 NCAC 52J Sections .0101(1-5) .0201(a), (c) and (d); .0202(d); .0204(a) and (b); and .0207(b)(6) and .0207(c).
2. Pursuant to NCGS § 19A-30, the Director of the AWS has the authority to suspend or revoke a certificate of registration for any animal shelter.
3. Purposes of the AWA include the protection of owners of dogs and cats from the theft of such pets, the prevention of the sale or use of stolen pets and to ensure that animals confined in animal shelters are provided humane care and treatment.
4. Based on the findings of this investigation, as further detailed in the incorporated reports, AWS concludes that:
  - a. CCHS has willfully disregarded and violated the AWA and its associated rules; and
  - b. CCHS has failed to provide adequate housing facilities and primary enclosures for the purposes of the AWA and the sanitizing and housing practices at the animal at the shelter are not consistent with the intent of the AWA or its rules; and
  - c. CCHS made substantial misrepresentations concerning the nature of the shelter as a temporary shelter only housing Hurricane Florence-related animals that the shelter would return to the owners; and
  - d. CCHS continued to mispresent the shelter as a temporary shelter that would close or comply with the AWA and its rules by December 20, 2018; and
  - e. CCHS fails to possess the necessary qualifications or to meet the requirements of the AWA for the holding of a certificate of registration as an animal shelter;
  - f. Allowing CCHS to continue to operate the shelter under these conditions would be contrary to the purpose and intent of the AWA

## DECISION

Based on all the above, the animal shelter certificate of registration issued to Colonial Capital Humane Society to operate the Colonial Capital Humane Society Temporary Storm Animal Shelter, Certificate of Registration No. 362, is hereby REVOKED effective on the fifth day following receipt of this Order.

2/12/2019  
Date

Patricia Norris DVM, MS  
Patricia Norris, DVM, MS  
Director of Animal Welfare Section  
Veterinary Division, NCDA&CS

RELEVANT LAWS AND REGULATIONS

**§ 19A-26. Certificate of registration required for animal shelter.**

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

**§ 19A-30. Refusal, suspension or revocation of certificate or license.**

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

**§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.**

(h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.
- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture

**§ 19A-40. Civil Penalties.**

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

**02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.**

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.*

**02 NCAC 52J .0201 GENERAL**

(a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.

(c) Facilities shall have reliable and safe electric power as necessary to comply with the Animal Welfare Act.

(d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.



*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

**02 NCAC 52J .0202 INDOOR FACILITIES**

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

**02 NCAC 52J .0204 PRIMARY ENCLOSURES**

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.

(b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, urn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.

*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

**02 NCAC 52J .0207 SANITATION**

(b) Sanitation shall be as follows:

(6) Any area accessible to multiple animals shall be kept clean and sanitary.

(c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

R. Douglas Meckes, DVM  
State Veterinarian

January 31, 2019

Lisa Lee  
Colonial Capital Humane Society  
P. O. Box 326  
New Bern, North Carolina 28563

**Notice of Warning and Notice of Deficiency**

**Re: Violation of N.C. General Statute ("NCGS") § 19A-32.1(h) and (j) and Title 02 N.C. Administrative Code ("NCAC") Chapter 52J, Sections .0101(1) – (5), .0201(a), (c) and (d); .0202(d); .0204(a) and (b); and .0207(b)(6) and (c).**

**AWS-WL-2019-2**

Shelter: Colonial Capital Humane Society Temporary Storm Animal Shelter  
Certification No. 362

Dear Ms. Lee:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") conducted a facility compliance inspection of the Colonial Capital Humane Society Temporary Storm Animal Shelter located at 1003 Hwy 70 East, New Bern ("the shelter") on January 8, 2019. The facility inspection was marked "Disapproved" due to the deficiencies in compliance with the N.C. Animal Welfare Act ("AWA") and its associated regulations. A copy of the facility compliance inspection report is attached hereto and incorporated by reference.

The January 8, 2019 facility compliance inspection found that:

- 1) Despite Lisa Lee's statements during the shelter application process, the initial facility compliance inspection of the shelter on September 25, 2018, and the subsequent inspection on October 30, 2018, which all indicated that this shelter was being set up as a 90-day temporary shelter in response to Hurricane Florence and would close by December 20, 2018, this shelter was found to be still in operation on January 8, 2019.
- 2) In addition, Lisa Lee agreed to the clarification addendum dated October 9, 2018 again stating that this shelter would only be operational for 90 days from the date of application.
- 3) The September 25, 2018 facility compliance inspection was marked as "Contingently Approved" with the understanding that this shelter would only be open for 90 days.

Furthermore, during the September 25, 2018 inspection, Lisa Lee indicated her understanding that should the shelter operate beyond December 20, 2018, then all areas of noncompliance with the AWA noted during the facility compliance inspections would be corrected by that date.

- 4) The September 25, 2018 facility compliance inspection noted that: 02 NCAC 52J .0101 required information for records was not being maintained; .0103 the animals could not be matched to the records as required; .0201(d) improper storage of food and bedding; .0204(a) surfaces were not impervious to moisture and the animals had access to wood; and NCGS § 19A-32.1(j) required information for animal records was not being maintained.
- 5) The October 30, 2018 facility compliance inspection noted that the shelter failed to comply with 02 NCAC 52J .0201(d) improper storage of bedding; .0204(a) surfaces were not impervious to moisture and animals had access to wood; .0204(c) presence of damaged resting surfaces; and .0204(f) as more than 12 cats were present in a primary enclosure. The facility compliance inspection was again marked as "Contingently Approved" with the understanding that this shelter would not be in operation beyond December 20, 2018 or would be in full compliance with the AWA by that date.
- 6) The January 8, 2019 facility compliance inspection found that, contrary to Lisa Lee's assurances that this shelter was opened for the sole purpose of housing animals in need of sheltering due to Hurricane Florence and that the shelter would cease operation by December 20, 2018, the shelter was still operating and, in fact, was continuing to take in new animals while failing to comply with the AWA.
- 7) The January 8, 2019 facility compliance inspection noted that the shelter is continuing to fail to comply with 02 NCAC .0101 records; .0201(a) facility is not being maintained in good repair; .0201(d) improper storage of bedding; .0201(c) facility is not being maintained in a clean and sanitary manner; .0202(d) interior building surfaces are not impervious to moisture and cannot be readily sanitized; .0204(a) the surfaces that animals are in contact with are not impervious to moisture; .0204(a) the animals continue to have access to wood; .0204(b) the primary enclosures are not being maintained in good repair in a manner to prevent injury to animals; .0207(b)(6) areas accessible to multiple animals are not being kept clean and sanitary; .0207(c) the premises are not being kept clean and in good repair; NCGS § 19A-32.1(h) required documentation for owner surrendered animals is not being maintained; and NCGS § 19A-32.1(j) records of all animals at the shelter are not being maintained.

Based on the results of the inspections, the shelter is in violation of NCGS § 19A-32.1(h) and (j); 02 NCAC 52J Sections .0101(1-5) .0201(a), (c) and (d); .0202(d); .0204(a) and (b); and .0207(b)(6) and (c).

Pursuant to NCGS § 19A-30, this Warning Letter, in conjunction with the three enclosed Facility Compliance Inspection Reports, serves as written notice indicting the respects in which the shelter is failing to satisfy the requirements for the holding of a certificate of registration as an animal shelter.

The shelter is to immediately cease operation of this facility or show proof that all deficiencies have been corrected upon receipt of this letter. Continued or future violation of these statutes or regulations will be considered to be a willful disregard or violation of the same. Such willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary action against your facility's certificate of registration pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40. Each day of operation will be considered a separate violation.

In addition, pursuant to NCGS § 19A-30:

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patricia Norris, DVM, MS". The signature is fluid and cursive, with the last name "Norris" being the most prominent part.

Patricia Norris, DVM, MS  
Director of Animal Welfare Section  
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian  
Joe Reardon, Assistant Commissioner, NCDA&CS  
Tina Hlabse, General Counsel, NCDA&CS  
Christopher R. McLennan, Assistant Attorney General

Appendix  
RELEVANT LAWS AND REGULATIONS

**§ 19A-30. Refusal, suspension or revocation of certificate or license.**

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

**§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.**

(h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.
- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture. (2013-377, s. 2.)

#### **§ 19A-40. Civil Penalties.**

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

#### **02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.**

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

#### **02 NCAC 52J .0201 GENERAL**

- (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.
- (c) Facilities shall have reliable and safe electric power as necessary to comply with the Animal Welfare Act.
- (d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.

*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

#### **02 NCAC 52J .0202 INDOOR FACILITIES**

- (d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.

*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.

**02 NCAC 52J .0204      PRIMARY ENCLOSURES**

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.

(b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.

*History Note:      Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.*

**02 NCAC 52J .0207      SANITATION**

(b) Sanitation shall be as follows:

(6) Any area accessible to multiple animals shall be kept clean and sanitary.

(c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

*History Note:      Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.*

**Animal Welfare Section  
NC Department of Agriculture and Consumer Services  
1030 Mail Service Center  
Raleigh, NC 27699-1030**

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Email: [agr.aws@ncagr.gov](mailto:agr.aws@ncagr.gov)

Website: [www.ncaws.com](http://www.ncaws.com)

**Facility Compliance Inspection - Animal Shelter**

Facility Name: Colonial Capital Humane Society Temporary Emergency Animal Shelter		License Number:
Owner: Colonial Capital Humane Society		
Address: 1003 Hwy 70 East		
City: New Bern		Zip Code: 28560
County: Craven		
Phone: (252)670-1378		Email: <a href="mailto:lisa@ccshs.org">lisa@ccshs.org</a>
Latitude:		Longitude:
Total Enclosures: 256		
Dogs on Premise: 39		Cats on Premise: 125
Licensed Capacity (Dogs): 47		Licensed Capacity (Cats): 82
Type of Inspection: Random Inspection		Date of Inspection: 10/30/2018

**02 NCAC 52J .0101 RECORDS**

1. origin and date received. [02 NCAC 52J .0101(1)] - In Compliance
2. description [02 NCAC 52J .0101(2)] - In Compliance
3. location [02 NCAC 52J .0101(3)] - In Compliance
4. disposition of animals
  - name and address of person [02 NCAC 52J .0101(4)] - In Compliance
  - death - date, signs of illness, or cause of death if identified [02 NCAC 52J .0101(4)] - In Compliance
  - date and type of euthanasia [02 NCAC 52J .0101(4)] - In Compliance
5. record of veterinary care. [02 NCAC 52J .0101(5)] - In Compliance

**02 NCAC 52J .0103 INSPECTION OF RECORDS**

1. Records available upon request. [02 NCAC 52J .0103] - In Compliance
2. Animals matched to record. [02 NCAC 52J .0103] - In Compliance
3. Records retained for 1 year; [02 NCAC 52J .0103]; see section for §19A-32.1(j) for records to be retained for 3 years - In Compliance

**02 NCAC 52J .0201 GENERAL**

1. Housing facilities structurally sound and maintained in good repair. [02 NCAC 52J .0201(a)] - In Compliance
2. Housing facilities contain the animals and restrict entry of other animals and people. [02 NCAC 52J .0201(a)] - In Compliance
3. Light fixtures and electrical outlets in animal areas in compliance with the State Building Code. [02 NCAC 52J .0201(b)] - In Compliance
4. Electric power reliable and safe. [02 NCAC 52J .0201(c)] - In Compliance
5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - Needs Improvement
6. Open bags of food stored in airtight containers with lids. [02 NCAC 52J .0201(d)] - In Compliance
7. Refrigeration for perishable food. [02 NCAC 52J .0201(d)] - In Compliance
8. Daily removal and disposal of animal and food waste, bedding and debris; facility maintained in a clean and sanitary manner. [02 NCAC 52J .0201(e)] - In Compliance
9. Hot and cold running, potable water available. [02 NCAC 52J .0201(f)] - In Compliance
10. Washroom, basin or sink provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles. [02 NCAC 52J .0201(f)] - In Compliance
11. Ability to confirm ambient temperature. [02 NCAC 52J .0201(g)] - In Compliance
12. A separate five-foot perimeter fence if any animals have access to an outdoor enclosure, including unsupervised exercise areas. [02 NCAC 52J .0101(h)] - In Compliance
13. Adequate drainage system. [02 NCAC 52J .0201(i)] - In Compliance
14. All areas of a facility available for review or inspection during normal business hours. [02 NCAC 52J .0201(j)] - In Compliance
15. All animals in a facility subject to the requirements of the Animal Welfare Act, regardless of ownership. [02 NCAC 52J .0201(k)] - In Compliance
16. Compliance with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility. [02 NCAC 52J .0201(l)] - In Compliance
17. No dog or cat present in a window display except during business hours and in compliance with standards set forth in this Section. [02 NCAC 52J .0201(m)] - Not Applicable



#5> There are many, what appear to be clean animal beds, piled in a small space in one of the occupied feline rooms on the left side of the building. These need to be stored and adequately protected.

## 02 NCAC 52J .0202 INDOOR FACILITIES

1. Indoor housing facilities adequately heated and cooled. [02 NCAC 52J .0202(a)] - In Compliance
2. Ambient temperature between 50°F and 85°F. [02 NCAC 52J .0202(a)] - In Compliance
3. Indoor housing facilities adequately ventilated. [02 NCAC 52J .0202(b)] - In Compliance
4. Fresh air and ventilation provided and drafts minimized. [02 NCAC 52J .0202(b)] - In Compliance
5. Air flow adequate to minimize odors and moisture condensation. [02 NCAC 52J .0202(b)] - In Compliance
6. Indoor housing facilities adequately illuminated. [02 NCAC 52J .0202(c)] - In Compliance
7. Illumination provides regular diurnal lighting cycles and be uniformly diffused [02 NCAC 52J .0202(c)] - In Compliance
8. Interior building surfaces are impervious to moisture and can be readily sanitized. [02 NCAC 52J .0202(d)] - In Compliance
9. Drainage rapidly eliminates excess water. [02 NCAC 52J .0202(e)] - In Compliance
10. Closed drain systems equipped with traps and installed to prevent odors and backup of sewage. [02 NCAC 52J .0202(e)] - In Compliance
11. The drainage system constructed to prevent cross-contamination among animals. [02 NCAC 52J .0202(e)] - In Compliance

## 02 NCAC 52J .0203 OUTDOOR FACILITIES

1. Primary enclosures and walkways constructed of sealed concrete or other surfaces impervious to moisture. [02 NCAC 52J .0203(a)] - Not Applicable
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - Not Applicable
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - Not Applicable
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - Not Applicable
5. One house available for each animal within each enclosure unless the animals are a mother and her unweaned offspring. [02 NCAC 52J .0203(b)] - Not Applicable
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - Not Applicable
7. Suitable method of drainage provided. [02 NCAC 52J .0203(c)] - Not Applicable

## 02 NCAC 52J .0204 PRIMARY ENCLOSURES

1. Primary enclosures constructed prevent contamination from waste and wastewater from animals in other enclosures. [02 NCAC 52J .0204(a)] - In Compliance
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - Not In Compliance
3. For primary enclosures placed into service on or after January 1, 2005, no wood within the animal's reach. [02 NCAC 52J .0204(a)] - Not In Compliance
4. For primary enclosures in use in a registered facility prior to January 1, 2005, any damaged wood replaced so that so that there's no contact with wood by the animal. [02 NCAC 52J .0204(a)] - Not In Compliance
5. Primary enclosures structurally sound, maintained in good repair and in a manner to prevent injury to animals, and keep other animals out. [02 NCAC 52J .0204(b)] - In Compliance
6. Primary enclosures provide space to allow animal to walk, turn about freely, and to easily stand, sit, or lie in a natural position. [02 NCAC 52J .0204(b)] - In Compliance
7. The height of primary enclosures other than cage no less than five feet. [02 NCAC 52J .0204(b)] - In Compliance
8. All enclosures constructed as to prevent the escape of animals. [02 NCAC 52J .0204(b)] - In Compliance
9. Each primary enclosure provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. [02 NCAC 52J .0204(c)] - In Compliance
10. All resting surfaces made of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. [02 NCAC 52J .0204(c)] - Not In Compliance
11. The resting surface or surfaces be elevated in primary enclosures housing two or more cats. [02 NCAC 52J .0204(c)] - In Compliance
12. In addition to Paragraph (b) of 02 NCAC 52J .0204, each dog shall be provided with the minimum square footage required by 02 NCAC .0204(d). [02 NCAC 52J .0204(d)] - In Compliance
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - In Compliance
14. If more than four dogs are housed in a common area or enclosure, then at least one person supervising each 10 dogs housed within each enclosure or common area. [02 NCAC 52J .0204(e)] - Not Applicable
15. In addition to Paragraph (b) of 02 NCAC 52J .0204, each feline older than six months housed in any primary enclosure provided with a minimum of 4sq ft. of floor space which may include elevated resting surfaces. [02 NCAC 52J .0204(f)] - In Compliance
16. Each feline younger than 6 months provided 1.5 sq. ft. [02 NCAC 52J .0204(f)] - In Compliance
17. No more than 12 cats housed in the same primary enclosure. [02 NCAC 52J .0204(f)] - Needs Improvement
18. In all cat enclosures, receptacle with clean litter provided for waste. [02 NCAC 52J .0204(g)] - In Compliance
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - In Compliance

#2, #3, #4, #10> The canine kennels in the back of the building have concrete floors, a concrete walkway and cinder block cross contamination barriers that are not adequately sealed. Some of the kennels galvanized fencing is showing rust. There are damaged wood resting surfaces at the back of each kennel. The front doors to the cat cages, in what is known to staff/volunteers as the feral room, are rusting. #17> The free room cat room is 2 felines over the no more than 12 felines to a primary enclosure rule.

## 02 NCAC 52J .0205 FEEDING

Dogs and cats fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. [02 NCAC 52J .0205(a)]

1. Food is commercially prepared food complying with laws applicable to animal feed or the food provided by the owner. [02 NCAC 52J .0205(a)] - In Compliance
2. The food is free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal meeting the daily requirements for nutritional value. [02 NCAC 52J .0205(a)] - In Compliance

3. Puppies and kittens less than six months of age fed at least twice in each 24-hour period. An eight-hour interval between feedings if only two feedings are offered in a 24-hour period. [02 NCAC 52J .0205(a)] - In Compliance
4. Food receptacles accessible to all dogs or cats. [02 NCAC 52J .0205(b)] - In Compliance
5. Food receptacles located to minimize contamination by waste. [02 NCAC 52J .0205(b)] - In Compliance
6. For every adult animal, at least one food receptacle offered. [02 NCAC 52J .0205(b)] - In Compliance
7. Food receptacles durable, clean and sanitized. [02 NCAC 52J .0205(b)] - In Compliance
8. Damaged receptacles replaced. [02 NCAC 52J .0205(b)] - In Compliance
9. Disposable food receptacles discarded after each feeding. [02 NCAC 52J .0205(b)] - In Compliance
10. Food and water receptacles in outdoor facilities protected from the elements. [02 NCAC 52J .0205(c)] - Not Applicable

#### 02 NCAC 52J .0206 WATERING

1. Continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. [02 NCAC 52J .0206] - In Compliance
2. Watering receptacles durable, clean and sanitized. [02 NCAC 52J .0206] - In Compliance
3. Damaged receptacles replaced. [02 NCAC 52J .0206] - In Compliance

#### 02 NCAC 52J .0207 SANITATION

1. Waste removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats and to reduce disease hazards and odors. [02 NCAC 52J .0207(a)] - In Compliance
2. Enclosures and exercise areas for dogs and cats properly cleaned a minimum of two times per day. [02 NCAC 52J .0207(a)] - In Compliance
3. The animal must be able to walk or lie down without coming in contact with any waste or debris. [02 NCAC 52J .0207(a)] - In Compliance
4. When a hosing or flushing method is used for cleaning an enclosure, animals are removed during the cleaning process, and measures taken to protect the animals in other such enclosures from being contaminated with water and other wastes. [02 NCAC 52J .0207(a)] - In Compliance
5. Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories sanitized in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
6. In addition to primary enclosures being properly cleaned a minimum of two times per day, if the same animal is housed in the same enclosure more than seven days, enclosures and accessories sanitized at least once every seven days in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
7. Cages, rooms and hard-surfaced pens or runs be sanitized by:
  - washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or - Not Applicable
  - washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or - In Compliance
  - cleaning all soiled surfaces with live steam. [02 NCAC 52J .0207(3)(A-C)] - Not Applicable
8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - In Compliance
9. Soiled linens and cloth products mechanically washed with detergent and sanitized. [02 NCAC 52J .0207(b)(5)] - In Compliance
10. Any area accessible to multiple animals kept clean and sanitary. [02 NCAC 52J .0207(b)(6)] - In Compliance
11. Premises (buildings and grounds) kept clean and in good repair to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. [02 NCAC 52J .0207(c)] - In Compliance
12. Premises are free of accumulations of trash, junk, waste products, and discarded matter. [02 NCAC 52J .0207(c)] - In Compliance
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - In Compliance
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - In Compliance

#### 02 NCAC 52J .0208 EMPLOYEES

1. Sufficient number of employees [02 NCAC 52J .0208] - In Compliance
2. Supervision of an animal caretaker who has a background in animal husbandry or care. [02 NCAC 52J .0208] - In Compliance

#### 02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

1. Animals in the same primary enclosure maintained in compatible groups. [02 NCAC 52J .0209] - In Compliance
2. Females in season (estrus) not be housed in the same primary enclosure with males except for planned breeding. [02 NCAC 52J .0209(1)] - In Compliance
3. Breeding not allowed in animal shelters. [02 NCAC 52J .0209(1)] - In Compliance
4. Aggressive animals housed individually in a primary enclosure. [02 NCAC 52J .0209(2)] - In Compliance
5. Puppies or kittens less than four months of age housed in the same primary enclosure with adults without written permission. [02 NCAC 52J .0209(3)] - In Compliance
6. Puppies or kittens between 4 and 16 weeks of age have daily access to human social interaction. [02 NCAC 52J .0209(3)] - In Compliance
7. Dogs not housed in the same primary enclosure with cats; dogs or cats not housed in the same primary enclosure with any other species of animals without written permission. [02 NCAC 52J .0209(4)] - In Compliance
8. Designated isolation area for animals being treated or observed for communicable diseases. [02 NCAC 52J .0209(5)] - In Compliance
9. Dogs or cats in isolation that are being treated for a communicable disease separated as to minimize dissemination of disease. [02 NCAC 52J .0209(5)] - In Compliance
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - In Compliance
11. Animals in long term care:
  - Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - In Compliance
  - Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - In Compliance
  - A species and size-appropriate toy, unless it poses a health threat. [02 NCAC 52J .0209(6)(c)] - In Compliance
12. All animals confined in primary enclosures or exercise areas. [02 NCAC 52J .0209(7)] - In Compliance

#### 02 NCAC 52J .0210 VETERINARY CARE

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - In Compliance
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - In Compliance
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - In Compliance
4. Sick or diseased, injured, lame, or blind dogs or cats provided with veterinary care [02 NCAC 52J .0210(c)] - In Compliance
5. If euthanasia is performed, a list of personnel approved to perform euthanasia maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. [02 NCAC 52J .0210(c)] - Not Applicable
6. Diseased or deformed animals sold or adopted only under the policy set forth in the "Program of Veterinary Care." [02 NCAC 52J .0210(c)] - In Compliance
7. Full written disclosure of the medical condition provided to the new owner. [02 NCAC 52J .0210(c)] - In Compliance
8. All animals in a licensed or registered facility in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. [02 NCAC 52J .0210(d)] - In Compliance
9. However, rabies vaccine not required for any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days. [02 NCAC 52J .0210(d)] - In Compliance

#### 02 NCAC 52J .0301 VEHICLES

1. Vehicles mechanically sound. [02 NCAC 52J .0301(a)] - Not Applicable
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - Not Applicable
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - Not Applicable
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - Not Applicable

#### 02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

1. Primary enclosures constructed, ventilated and designed to protect the health and insure the safety of the animals. [02 NCAC 52J .0302(a)] - Not Applicable
2. Such enclosures constructed or positioned so that:
  - o Each animal in the vehicle has sufficient fresh air for normal breathing. [02 NCAC 52J .0302(a)(1)] - Not Applicable
  - o The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - Not Applicable
  - o The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - Not Applicable
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - Not Applicable
4. The animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms. [02 NCAC 52J .0302(a)] - Not Applicable
5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - Not Applicable
6. Puppies or kittens less than 4 months of age not be transported in the same primary enclosures with adults other than their dams. [02 NCAC 52J .0302(b)] - Not Applicable
7. Primary enclosures for transport large enough for each animal to turn about freely, and to easily stand, sit or lie down in a natural position. [02 NCAC 52J .0302(c)] - Not Applicable
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - Not Applicable
9. Animals not be placed in primary enclosure over other animals in transit unless such enclosures is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - Not Applicable
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302(e)] - Not Applicable

#### 02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

1. If animals are transported for more than 12 hours:
  - o The vehicles stop at least once every 12 hours for a period of 1 hour. During the 1-hour stop, potable water continuously provided for dogs and cats. [02 NCAC 52J .0303(1)] - Not Applicable
  - o Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303(2)] - Not Applicable
  - o Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)] - Not Applicable
  - o Dogs removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours. [02 NCAC 52J .0303(3)] - Not Applicable

#### 02 NCAC 52J .0304 CARE IN TRANSIT

1. The attendant or driver inspects animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed. [02 NCAC 52J .0304] - Not Applicable

#### §19A-32.1 MINIMUM HOLDING PERIOD

1. All animals held for a minimum holding period (MHP) of 72 hours. [§19A-32.1(a)] - In Compliance
2. Animal made available for adoption unless exempted by §19A-32.1(b)(1-3). [§19A-32.1(a)] - In Compliance
3. Seriously ill or injured animal euthanized before the expiration of the MHP: a) Determination in writing from the animal shelter manager; and b) the writing includes the reason for the determination. [§19A-32.1(b)(2)] - In Compliance
4. Viewing for lost pet: a) entitled to view every animal; and b) at least 4 hours a day, 3 days a week. [§19A-32.1(c)] - In Compliance
5. Reasonable arrangements allow pet owners to determine whether their lost pets are amongst animals in restricted areas. [§19A-32.1(c)] - In Compliance
6. Fostering during MHP: at least 1 photograph displayed in a conspicuous location. [§19A-32.1(d)] - In Compliance
7. Foster care policies. [§19A-32.1(e)] - In Compliance
8. Owner surrendered and not reclaimed during the MHP: a) be returned to the owner, b) adopted, or c) euthanized. [§19A-32.1(f)] - In Compliance
9. Owner surrender disposed of before the expiration of the MHP: a) proof of ownership provided; and b) signed written consent to the disposition before the expiration of the MHP. [§19A-32.1(g)] - In Compliance
10. Owner surrender: statement in writing whether the dog has bitten any individual within the previous 10 days. [§19A-32.1(h)] - In Compliance
11. The person to whom an animal is released presents a valid form of government-issued photographic identification. [§19A-32.1(i)] - In Compliance

12. Documentation of the name of the person, the type of ID and the ID number. (§19A-32.1(i)) - In Compliance
13. Record of all animals impounded at the shelter maintained. (§19A-32.1(j)) - In Compliance
14. Retain the animal records for at least 3 years from the date of impoundment. (§19A-32.1(j)) - In Compliance
15. Animal records available for inspection during regular inspection or upon request of AWS. (§19A-32.1(j)) - In Compliance
16. Records contain at a minimum: date of impoundment, length of impoundment, disposition of each animal, name and address of person to whom the animal was released, any institution that person represents, and the identifying information; other information required by rules adopted by the Bd of Ag. (§19A-32.1(j)(1-4)) - In Compliance

**General Comments:**

This temporary shelter continues to care for animals that were taken in during the hurricane back in September. Supervisor Blomquist and I performed an inspection today and we were told that at this time, they are in the stages of returning animals to owners that are able to house and care for their pet(s). Stray and owner surrendered animals are being adopted out; transferred to foster care and/or finding other approved rescues and resources to transfer animals to. Paperwork/records appear to be in compliance. We will return on a as needed basis. This facility remains conditionally approved.

**Inspection Result:**

**Contingently/Conditionally Approved**

Inspector's Signature	Date
Lisa Carlson	10/30/2018
Facility Representative's Signature	Date
Yuko Ashworth is in attendance	10/30/2018

**Animal Welfare Section  
NC Department of Agriculture and Consumer Services  
1030 Mail Service Center  
Raleigh, NC 27699-1030**

Phone: (919) 707-3280 Fax: (919) 733-6431

Email: [agr.ows@ncagr.gov](mailto:agr.ows@ncagr.gov)

Website: [www.ncaws.com](http://www.ncaws.com)

**Facility Compliance Inspection - Animal Shelter**

**Disapproved - 01/08/2019**

Facility Name: COLONIAL CAPITAL HUMANE SOCIETY TEMPORARY EMERGENCY ANIMAL SHELTER		License Number: 362
Owner: LISA LEE		
Address: 1003 HWY 70 EAST		
City: NEW BERN		Zip Code: 28560
County: CRAVEN		
Phone: (252)670-1378		Email: LISAFLEE@EMBARQMAIL.COM
Latitude:		Longitude:
Total Enclosures: 256		
Dogs on Premise: 11		Cats on Premise: 64
Licensed Capacity (Dogs): 47		Licensed Capacity (Cats): 82
Type of Inspection: Follow-up Inspection		Date of Inspection: 01/08/2019

**02 NCAC 52J .0101 RECORDS**

1. origin and date received. [02 NCAC 52J .0101(1)] - Not In Compliance
2. description [02 NCAC 52J .0101(2)] - Not In Compliance
3. location [02 NCAC 52J .0101(3)] - Not In Compliance
4. disposition of animals
  - name and address of person [02 NCAC 52J .0101(4)] - Not In Compliance
  - death - date, signs of illness, or cause of death if identified [02 NCAC 52J .0101(4)] - Not Applicable
  - date and type of euthanasia [02 NCAC 52J .0101(4)] - Not Applicable
5. record of veterinary care. [02 NCAC 52J .0101(5)] - In Compliance

This temporary animal shelter has continued to take animals in as recently as 1/4/19 and most of the shelter records are incomplete. Ms. Lee has stated today that in addition to adoption events, rescue and fostering, they have been transferring some of the animals over to their private shelter. The disposition information required by NCGS 19A-32.1(j) and 02 NCAC 52J .0101 is not present for the animals leaving this shelter.

**02 NCAC 52J .0103 INSPECTION OF RECORDS**

1. Records available upon request. [02 NCAC 52J .0103] - In Compliance
2. Animals matched to record. [02 NCAC 52J .0103] - In Compliance
3. Records retained for 1 year; [02 NCAC 52J .0103]; see section for §19A-32.1(j) for records to be retained for 3 years - In Compliance

**02 NCAC 52J .0201 GENERAL**

1. Housing facilities structurally sound and maintained in good repair. [02 NCAC 52J .0201(a)] - Not In Compliance
2. Housing facilities contain the animals and restrict entry of other animals and people. [02 NCAC 52J .0201(a)] - In Compliance
3. Light fixtures and electrical outlets in animal areas in compliance with the State Building Code. [02 NCAC 52J .0201(b)] - In Compliance
4. Electric power reliable and safe. [02 NCAC 52J .0201(c)] - In Compliance
5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - Not In Compliance
6. Open bags of food stored in airtight containers with lids. [02 NCAC 52J .0201(d)] - In Compliance
7. Refrigeration for perishable food. [02 NCAC 52J .0201(d)] - In Compliance
8. Daily removal and disposal of animal and food waste, bedding and debris; facility maintained in a clean and sanitary manner. [02 NCAC 52J .0201(e)] - Not In Compliance
9. Hot and cold running, potable water available. [02 NCAC 52J .0201(f)] - In Compliance
10. Washroom, basin or sink provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles. [02 NCAC 52J .0201(f)] - In Compliance

11. Ability to confirm ambient temperature. [02 NCAC 52J .0201(g)] - In Compliance
12. A separate five-foot perimeter fence if any animals have access to an outdoor enclosure, including unsupervised exercise areas. [02 NCAC 52J .0201(h)] - Not Applicable
13. Adequate drainage system. [02 NCAC 52J .0201(i)] - In Compliance
14. All areas of a facility available for review or inspection during normal business hours. [02 NCAC 52J .0201(j)] - In Compliance
15. All animals in a facility subject to the requirements of the Animal Welfare Act, regardless of ownership. [02 NCAC 52J .0201(k)] - In Compliance
16. Compliance with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility. [02 NCAC 52J .0201(l)] - Not In Compliance
17. No dog or cat present in a window display except during business hours and in compliance with standards set forth in this Section. [02 NCAC 52J .0201(m)] - Not Applicable

The following areas of non-compliance have not been addressed as required: a. the cinder block walls, and concrete flooring in the dog kennels and surrounding areas be sealed; and b. prevention of animal access to the wood platform structures in the back kennels; and c. correction of the rusted areas of galvanized fencing in the dog kennel area and doors of cat cages (feral room). On both prior facility inspections, storage of food and/or bedding supplies was noted to be non-compliant and the shelter was directed to immediately correct this inadequacy. Due to continued animal access of surfaces that are not impervious to moisture and not being maintained in good repair, adequate sanitation is not obtainable. This facility is not in compliance with all state laws.

## 02 NCAC 52J .0202 INDOOR FACILITIES

1. Indoor housing facilities adequately heated and cooled. [02 NCAC 52J .0202(a)] - In Compliance
2. Ambient temperature between 50°F and 85°F. [02 NCAC 52J .0202(a)] - In Compliance
3. Indoor housing facilities adequately ventilated. [02 NCAC 52J .0202(b)] - In Compliance
4. Fresh air and ventilation provided and drafts minimized. [02 NCAC 52J .0202(b)] - In Compliance
5. Air flow adequate to minimize odors and moisture condensation. [02 NCAC 52J .0202(b)] - In Compliance
6. Indoor housing facilities adequately illuminated. [02 NCAC 52J .0202(c)] - In Compliance
7. Illumination provides regular diurnal lighting cycles and be uniformly diffused [02 NCAC 52J .0202(c)] - In Compliance
8. Interior building surfaces are impervious to moisture and can be readily sanitized. [02 NCAC 52J .0202(d)] - Not In Compliance
9. Drainage rapidly eliminates excess water. [02 NCAC 52J .0202(e)] - In Compliance
10. Closed drain systems equipped with traps and installed to prevent odors and backup of sewage. [02 NCAC 52J .0202(e)] - In Compliance
11. The drainage system constructed to prevent cross-contamination among animals. [02 NCAC 52J .0202(e)] - In Compliance

a. the cinder block walls, and concrete flooring in the dog kennels and surrounding areas be sealed; and b. prevention of animal access to the wood platform structures in the back kennels; and c. correction of the rusted areas of galvanized fencing in the dog kennel area and doors of cat cages (feral room).

## 02 NCAC 52J .0203 OUTDOOR FACILITIES

1. Primary enclosures and walkways constructed of sealed concrete or other surfaces impervious to moisture. [02 NCAC 52J .0203(a)] - Not Applicable
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - Not Applicable
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - Not Applicable
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - Not Applicable
5. One house available for each animal within each enclosure unless the animals are a mother and her unweaned offspring. [02 NCAC 52J .0203(b)] - Not Applicable
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - Not Applicable
7. Suitable method of drainage provided. [02 NCAC 52J .0203(e)] - Not Applicable

## 02 NCAC 52J .0204 PRIMARY ENCLOSURES

1. Primary enclosures constructed prevent contamination from waste and wastewater from animals in other enclosures. [02 NCAC 52J .0204(a)] - In Compliance
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - Not In Compliance
3. For primary enclosures placed into service on or after January 1, 2005, no wood within the animal's reach. [02 NCAC 52J .0204(a)] - Not In Compliance
4. For primary enclosures in use in a registered facility prior to January 1, 2005, any damaged wood replaced so that so that there's no contact with wood by the animal. [02 NCAC 52J .0204(a)] - Not Applicable
5. Primary enclosures structurally sound, maintained in good repair and in a manner to prevent injury to animals, and keep other animals out. [02 NCAC 52J .0204(b)] - Not In Compliance
6. Primary enclosures provide space to allow animal to walk, turn about freely, and to easily stand, sit, or lie in a natural position. [02 NCAC 52J .0204(b)] - In Compliance
7. The height of primary enclosures other than cage no less than five feet. [02 NCAC 52J .0204(b)] - In Compliance
8. All enclosures constructed as to prevent the escape of animals. [02 NCAC 52J .0204(b)] - In Compliance
9. Each primary enclosure provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. [02 NCAC 52J .0204(c)] - In Compliance
10. All resting surfaces made of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. [02 NCAC 52J .0204(c)] - In Compliance
11. The resting surface or surfaces be elevated in primary enclosures housing two or more cats. [02 NCAC 52J .0204(c)] - In Compliance
12. In addition to Paragraph (b) of 02 NCAC 52J .0204, each dog shall be provided with the minimum square footage required by 02 NCAC .0204(d). [02 NCAC 52J .0204(d)] - In Compliance
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - In Compliance
14. If more than four dogs are housed in a common area or enclosure, then at least one person supervising each 10 dogs housed within each enclosure or common area. [02 NCAC 52J .0204(e)] - In Compliance
15. In addition to Paragraph (b) of 02 NCAC 52J .0204, each feline older than six months housed in any primary enclosure provided with a minimum of 4sq ft. of floor space which may include elevated resting surfaces. [02 NCAC 52J .0204(f)] - In Compliance

16. Each feline younger than 6 months provided 1.5 sq. ft. [02 NCAC 52J .0204(f)] - In Compliance
17. No more than 12 cats housed in the same primary enclosure. [02 NCAC 52J .0204(f)] - In Compliance
18. In all cat enclosures, receptacle with clean litter provided for waste. [02 NCAC 52J .0204(g)] - In Compliance
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - In Compliance

**a. the cladding, block walls, and concrete flooring in the dog kennels and surrounding areas be sealed; and b. prevention of animal access to the wood platform structures in the back kennels; and c. correction of the rusted areas of galvanized fencing in the dog kennel area and doors of cat cages (feral room).**

## 02 NCAC 52J .0205 FEEDING

Dogs and cats fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. [02 NCAC 52J .0205(a)]

1. Food is commercially prepared food complying with laws applicable to animal feed or the food provided by the owner. [02 NCAC 52J .0205(a)] - In Compliance
2. The food is free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal meeting the daily requirements for nutritional value. [02 NCAC 52J .0205(a)] - In Compliance
3. Puppies and kittens less than six months of age fed at least twice in each 24-hour period. An eight-hour interval between feedings if only two feedings are offered in a 24-hour period. [02 NCAC 52J .0205(a)] - In Compliance
4. Food receptacles accessible to all dogs or cats. [02 NCAC 52J .0205(b)] - In Compliance
5. Food receptacles located to minimize contamination by waste. [02 NCAC 52J .0205(b)] - In Compliance
6. For every adult animal, at least one food receptacle offered. [02 NCAC 52J .0205(b)] - In Compliance
7. Food receptacles durable, clean and sanitized. [02 NCAC 52J .0205(b)] - In Compliance
8. Damaged receptacles replaced. [02 NCAC 52J .0205(b)] - In Compliance
9. Disposable food receptacles discarded after each feeding. [02 NCAC 52J .0205(b)] - In Compliance
10. Food and water receptacles in outdoor facilities protected from the elements. [02 NCAC 52J .0205(c)] - Not Applicable

## 02 NCAC 52J .0206 WATERING

1. Continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. [02 NCAC 52J .0206] - In Compliance
2. Watering receptacles durable, clean and sanitized. [02 NCAC 52J .0206] - In Compliance
3. Damaged receptacles replaced. [02 NCAC 52J .0206] - In Compliance

## 02 NCAC 52J .0207 SANITATION

1. Waste removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats and to reduce disease hazards and odors. [02 NCAC 52J .0207(a)] - In Compliance
2. Enclosures and exercise areas for dogs and cats properly cleaned a minimum of two times per day. [02 NCAC 52J .0207(a)] - In Compliance
3. The animal must be able to walk or lie down without coming in contact with any waste or debris. [02 NCAC 52J .0207(a)] - In Compliance
4. When a hosing or flushing method is used for cleaning an enclosure, animals are removed during the cleaning process, and measures taken to protect the animals in other such enclosures from being contaminated with water and other wastes. [02 NCAC 52J .0207(a)] - In Compliance
5. Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories sanitized in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
6. In addition to primary enclosures being properly cleaned a minimum of two times per day, if the same animal is housed in the same enclosure more than seven days, enclosures and accessories sanitized at least once every seven days in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
7. Cages, rooms and hard-surfaced pens or runs be sanitized by:
  - washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or - Not Applicable
  - washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or - In Compliance
  - cleaning all soiled surfaces with live steam. [02 NCAC 52J .0207(3)(A-C)] - Not Applicable
8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - In Compliance
9. Soiled linens and cloth products mechanically washed with detergent and sanitized. [02 NCAC 52J .0207(b)(5)] - In Compliance
10. Any area accessible to multiple animals kept clean and sanitary. [02 NCAC 52J .0207(b)(6)] - Not In Compliance
11. Premises (buildings and grounds) kept clean and in good repair to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. [02 NCAC 52J .0207(c)] - Not In Compliance
12. Premises are free of accumulations of trash, junk, waste products, and discarded matter. [02 NCAC 52J .0207(c)] - In Compliance
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - In Compliance
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - In Compliance

**New item of non-compliance: The back yards are being utilized regularly for containment of animals. There are large holes that the dogs have dug, and dirt/mud exposed in areas around the fence line and the doors. These areas are to be brought into compliance immediately if they are to be used to contain animals. Until these areas are in compliance, they may not be used by the shelter to contain animals.**

## 02 NCAC 52J .0208 EMPLOYEES

1. Sufficient number of employees. [02 NCAC 52J .0208] - In Compliance
2. Supervision of an animal caretaker who has a background in animal husbandry or care. [02 NCAC 52J .0208] - In Compliance

## 02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

1. Animals in the same primary enclosure maintained in compatible groups. [02 NCAC 52J .0209] - In Compliance



2. Females in season (estrus) not be housed in the same primary enclosure with males except for planned breeding. [02 NCAC 52J .0209(1)] - In Compliance
3. Breeding not allowed in animal shelters. [02 NCAC 52J .0209(1)] - In Compliance
4. Aggressive animals housed individually in a primary enclosure. [02 NCAC 52J .0207(2)] - In Compliance
5. Puppies or kittens less than four months of age housed in the same primary enclosure with adults without written permission. [02 NCAC 52J .0209(3)] - In Compliance
6. Puppies or kittens between 4 and 16 weeks of age have daily access to human social interaction. [02 NCAC 52J .0209(3)] - In Compliance
7. Dogs not housed in the same primary enclosure with cats; dogs or cats not housed in the same primary enclosure with any other species of animals without written permission. [02 NCAC 52J .0209(4)] - In Compliance
8. Designated isolation area for animals being treated or observed for communicable diseases. [02 NCAC 52J .0209(5)] - In Compliance
9. Dogs or cats in isolation that are being treated for a communicable disease separated as to minimize dissemination of disease. [02 NCAC 52J .0209(5)] - In Compliance
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - In Compliance
11. Animals in long term care:
  - Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - In Compliance
  - Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - In Compliance
  - A species and size-appropriate toy, unless it poses a health threat. [02 NCAC 52J .0209(6)(c)] - In Compliance
12. All animals confined in primary enclosures or exercise areas. [02 NCAC 52J .0209(7)] - In Compliance

## 02 NCAC 52J .0210 VETERINARY CARE

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - In Compliance
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - In Compliance
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - In Compliance
4. Sick or diseased, injured, lame, or blind dogs or cats provided with veterinary care [02 NCAC 52J .0210(c)] - In Compliance
5. If euthanasia is performed, a list of personnel approved to perform euthanasia maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. [02 NCAC 52J .0210(c)] - Not Applicable
6. Diseased or deformed animals sold or adopted only under the policy set forth in the "Program of Veterinary Care." [02 NCAC 52J .0210(c)] - In Compliance
7. Full written disclosure of the medical condition provided to the new owner. [02 NCAC 52J .0210(c)] - In Compliance
8. All animals in a licensed or registered facility in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. [02 NCAC 52J .0210(d)] - In Compliance
9. However, rabies vaccine not required for any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days [02 NCAC 52J .0210(d)] - In Compliance

## 02 NCAC 52J .0301 VEHICLES

1. Vehicles mechanically sound [02 NCAC 52J .0301(a)] - Not Applicable
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - Not Applicable
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - Not Applicable
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - Not Applicable

## 02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

1. Primary enclosures constructed, ventilated and designed to protect the health and insure the safety of the animals. [02 NCAC 52J .0302(a)] - Not Applicable
2. Such enclosures constructed or positioned so that:
  - Each animal in the vehicle has sufficient fresh air for normal breathing. [02 NCAC 52J .0302(a)(1)] - Not Applicable
  - The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - Not Applicable
  - The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - Not Applicable
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - Not Applicable
4. The animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms. [02 NCAC 52J .0302(a)] - Not Applicable
5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - Not Applicable
6. Puppies or kittens less than 4 months of age not be transported in the same primary enclosures with adults other than their dams. [02 NCAC 52J .0302(b)] - Not Applicable
7. Primary enclosures for transport large enough for each animal to turn about freely, and to easily stand, sit or lie down in a natural position. [02 NCAC 52J .0302(c)] - Not Applicable
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - Not Applicable
9. Animals not be placed in primary enclosure over other animals in transit unless such enclosures is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - Not Applicable
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302(e)] - Not Applicable

## 02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

1. If animals are transported for more than 12 hours:
  - The vehicles stop at least once every 12 hours for a period of 1 hour. During the 1-hour stop, potable water continuously provided for dogs and cats. [02 NCAC 52J .0303(1)] - Not Applicable
  - Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303(2)] - Not Applicable
  - Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)] - Not Applicable
  - Dogs removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours. [02 NCAC 52J .0303(3)] - Not Applicable

## 02 NCAC 52J .0304 CARE IN TRANSIT



1. The attendant or driver inspects animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed. [02 NCAC 52J .0304] - Not Applicable

#### §19A-32.1 MINIMUM HOLDING PERIOD

1. All animals held for a minimum holding period (MHP) of 72 hours. [§19A-32.1(a)] - In Compliance
2. Animal made available for adoption unless exempted by §19A-32.1(b)(1-3). [§19A-32.1(a)] - In Compliance
3. Seriously ill or injured animal euthanized before the expiration of the MHP: a) Determination in writing from the animal shelter manager; and b) the writing includes the reason for the determination. [§19A-32.1(b)(2)] - In Compliance
4. Viewing for lost pet: a) entitled to view every animal; and b) at least 4 hours a day, 3 days a week. [§19A-32.1(c)] - In Compliance
5. Reasonable arrangements allow pet owners to determine whether their lost pets are amongst animals in restricted areas. [§19A-32.1(c)] - In Compliance
6. Fostering during MHP: at least 1 photograph displayed in a conspicuous location. [§19A-32.1(d)] - In Compliance
7. Foster care policies. [§19A-32.1(e)] - In Compliance
8. Owner surrendered and not reclaimed during the MHP: a) be returned to the owner, b) adopted, or c) euthanized. [§19A-32.1(f)] - In Compliance
9. Owner surrender disposed of before the expiration of the MHP: a) proof of ownership provided; and b) signed written consent to the disposition before the expiration of the MHP. [§19A-32.1(g)] - Not Applicable
10. Owner surrender: statement in writing whether the dog has bitten any individual within the previous 10 days. [§19A-32.1(h)] - Not In Compliance
11. The person to whom an animal is released presents a valid form of government-issued photographic identification. [§19A-32.1(i)] - In Compliance
12. Documentation of the name of the person, the type of ID and the ID number. [§19A-32.1(i)] - In Compliance
13. Record of all animals impounded at the shelter maintained. [§19A-32.1(j)] - Not In Compliance
14. Retain the animal records for at least 3 years from the date of impoundment. [§19A-32.1(j)] - In Compliance
15. Animal records available for inspection during regular inspection or upon request of AWS. [§19A-32.1(j)] - In Compliance
16. Records contain at a minimum: date of impoundment, length of impoundment, disposition of each animal, name and address of person to whom the animal was released, any institution that person represents, and the identifying information; other information required by rules adopted by the Bd of Ag. [§19A-32.1(j)(1-4)] - Not In Compliance

Today's inspection reveals that this temporary animal shelter has continued to take animals in as recently as 1/4/19 and most of the shelter records are incomplete. Ms. Lee has stated today that in addition to adoption events, rescue and fostering, they have been transferring some of the animals over to their private shelter. The disposition information required by NCGS 19A-32.1(j) and 02 NCAC 52J .0101 is not present for the animals leaving this shelter.

#### General Comments:

On January 8, 2019 Supervisor Joe Blomquist and I arrived at the Colonial Gap Humane Society (CGHS) Temporary Emergency Animal Shelter to verify that operations had ceased as of the 12/20/18 deadline that Ms. Lisa Lee of CGHS previously had agreed to. We found the shelter to be fully operational with 2 staff members, 64 cats and 11 dogs on premises. Items of non-compliance are as follows: 1. Operating an animal shelter not in compliance with the NC Animal Welfare Act (AWA) regulations. > On 9/25/18, Ms. Lee had stated that this temporary shelter would only be housing animals in immediate need of shelter due to Hurricane Florence and this facility would only be operational for 90 days. Ms. Lee agreed to close this shelter by December 20, 2018 in lieu of making the corrective actions necessary for the shelter to be in compliance with the AWA. Due to the emergency needs of the community from Hurricane Florence, this shelter was contingently approved with the understanding that it would be closed by December 20, 2018 or in complete compliance with the AWA by that date. As of January 8, 2019, this temporary animal shelter remains operational, is continuing to intake animals and is not in compliance with the AWA. 2. Animal records incomplete. > The inspection done 9/25/18 indicates that records are not in compliance as most of the shelter records did not contain the information required by 02 NCAC 52J .0101. Today's inspection reveals that this temporary animal shelter has continued to take animals in as recently as 1/4/19 and most of the shelter records are incomplete. Ms. Lee has stated today that in addition to adoption events, rescue and fostering, they have been transferring some of the animals over to their private shelter. The disposition information required by NCGS 19A-32.1(j) and 02 NCAC 52J .0101 is not present for the animals leaving this shelter. 3. The contingent approval of this facility was, in part, based on promise of corrective actions being implemented before December 20, 2018 if the shelter was to continue operations. The following areas of non-compliance have not been addressed as required: a. the cinder block walls, and concrete flooring in the dog kennels and surrounding areas be sealed; and b. prevention of animal access to the wood platform structures in the back kennels; and c. correction of the rusted areas of galvanized fencing in the dog kennel area and doors of cat cages (feral room). 4. These are areas of non-compliance that were noted previously yet remain non-compliant or have returned to the state of non-compliance since the last inspection. The shelter was informed at both prior inspections that these areas were required to be kept in or to be brought into compliance immediately: a. On both prior facility inspections, storage of food and/or bedding supplies was noted to be non-compliant and the shelter was directed to immediately correct this inadequacy; and b. Animal records. At the initial inspection as the shelter was just being setup, AWS understood that the protocols for maintaining records were in process. At the second inspection, the animal records appeared to be compliant. At the time of this inspection, the maintenance of required shelter records had fallen into a state of severe disrepair and non-compliance. This significant non-compliance was present despite emphatic discussions by the AWS inspectors with the shelter staff concerning the importance of shelter records during the previous inspections. 5. New item of non-compliance: The back yards are being utilized regularly for containment of animals. There are large holes that the dogs have dug, and dirt/mud exposed in areas around the fence line and the doors. These areas are to be brought into compliance immediately if they are to be used to contain animals. Until these areas are in compliance, they may not be used by the shelter to contain animals. As we had done previously, Supervisor Blomquist and I again spoke in length with Ms. Lee, instructing her on the requirements for compliance with the AWA, reminded her of her promise that the facility would not be operational after December 20, 2018 or would be in compliance with the AWA and again informed her of the requirement to immediately bring this facility into compliance with the AWA or close it. We also reminded her that we had taken her at her word that this shelter was opened for the sole purpose of housing Hurricane Florence animals. Furthermore, we instructed her that she may not intake any more animals at this facility. At the conclusion of our conversation, Ms. Lee acknowledged her understanding of our conversation and directives for compliance and the ending of animal intake.

#### Inspection Result:

Disapproved

Inspector's Signature		Date
Lisa Carlson		01/08/2019
Facility Representative's Signature		Date
Lisa Lee in attendance		01/08/2019

**Animal Welfare Section  
NC Department of Agriculture and Consumer Services  
1030 Mail Service Center  
Raleigh, NC 27699-1030**

Phone: (919) 707-3280 Fax: (919) 733-6431

Email: [agraws@ncagr.gov](mailto:agraws@ncagr.gov)

Website: [www.ncaws.com](http://www.ncaws.com)

**Facility Compliance Inspection - Animal Shelter**

Facility Name: Colonial Capital Humane Society Temporary Emergency Animal Shelter		License Number:
Owner: Colonial Capital Humane Society		
Address: 1003 Hwy 70 East		
City: New Bern		Zip Code: 28560
County: Craven		
Phone: (252)670-1378		Email: <a href="mailto:lisaallee@embargoemail.com">lisaallee@embargoemail.com</a>
Latitude:		Longitude:
Total Enclosures: 256		
Dogs on Premise: 16		Cats on Premise: 23
Licensed Capacity (Dogs): 47		Licensed Capacity (Cats): 82
Type of Inspection: Annual Inspection		Date of Inspection: 09/25/2018

**02 NCAC 52J .0101 RECORDS**

1. origin and date received. [02 NCAC 52J .0101(1)] - Needs Improvement
2. description [02 NCAC 52J .0101(2)] - Needs Improvement
3. location [02 NCAC 52J .0101(3)] - Needs Improvement
4. disposition of animals
  - name and address of person [02 NCAC 52J .0101(4)] - Needs Improvement
  - death - date, signs of illness, or cause of death if identified [02 NCAC 52J .0101(4)] - Needs Improvement
  - date and type of euthanasia [02 NCAC 52J .0101(4)] - Needs Improvement
5. record of veterinary care. [02 NCAC 52J .0101(5)] - In Compliance

They are in the process of making an individual file on each animal. They are aware of all documentation/records that are required.

**02 NCAC 52J .0103 INSPECTION OF RECORDS**

1. Records available upon request. [02 NCAC 52J .0103] - Needs Improvement
2. Animals matched to record. [02 NCAC 52J .0103] - Needs Improvement
3. Records retained for 1 year; [02 NCAC 52J .0103]; see section for §19A-32.1(j) for records to be retained for 3 years - In Compliance

They are in the process of completing and organizing their animal records. They are aware that any and all animal related paperwork needs to be retained for 3 years.

**02 NCAC 52J .0201 GENERAL**

1. Housing facilities structurally sound and maintained in good repair. [02 NCAC 52J .0201(a)] - In Compliance
2. Housing facilities contain the animals and restrict entry of other animals and people. [02 NCAC 52J .0201(a)] - In Compliance
3. Light fixtures and electrical outlets in animal areas in compliance with the State Building Code. [02 NCAC 52J .0201(b)] - In Compliance
4. Electric power reliable and safe. [02 NCAC 52J .0201(c)] - In Compliance
5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - Needs Improvement
6. Open bags of food stored in airtight containers with lids. [02 NCAC 52J .0201(d)] - In Compliance
7. Refrigeration for perishable food. [02 NCAC 52J .0201(d)] - In Compliance
8. Daily removal and disposal of animal and food waste, bedding and debris; facility maintained in a clean and sanitary manner. [02 NCAC 52J .0201(e)] - In Compliance
9. Hot and cold running, potable water available. [02 NCAC 52J .0201(f)] - In Compliance
10. Washroom, basin or sink provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles. [02 NCAC 52J .0201(f)] - In Compliance
11. Ability to confirm ambient temperature. [02 NCAC 52J .0201(g)] - In Compliance
12. A separate five-foot perimeter fence if any animals have access to an outdoor enclosure, including unsupervised exercise areas. [02 NCAC 52J .0101(h)] - Not Applicable
13. Adequate drainage system. [02 NCAC 52J .0201(i)] - In Compliance
14. All areas of a facility available for review or inspection during normal business hours. [02 NCAC 52J .0201(j)] - In Compliance
15. All animals in a facility subject to the requirements of the Animal Welfare Act, regardless of ownership. [02 NCAC 52J .0201(k)] - In Compliance

16. Compliance with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility. [02 NCAC 52J .0201(b)] - In Compliance
17. No dog or cat present in a window display except during business hours and in compliance with standards set forth in this Section. [02 NCAC 52J .0201(m)] - Not Applicable

**#5> Bedding supplies need to be stored and adequately protected.**

**02 NCAC 52J .0202 INDOOR FACILITIES**

1. Indoor housing facilities adequately heated and cooled. [02 NCAC 52J .0202(a)] - In Compliance
2. Ambient temperature between 50°F and 85°F. [02 NCAC 52J .0202(a)] - In Compliance
3. Indoor housing facilities adequately ventilated. [02 NCAC 52J .0202(b)] - In Compliance
4. Fresh air and ventilation provided and drafts minimized. [02 NCAC 52J .0202(b)] - In Compliance
5. Air flow adequate to minimize odors and moisture condensation. [02 NCAC 52J .0202(b)] - In Compliance
6. Indoor housing facilities adequately illuminated. [02 NCAC 52J .0202(c)] - In Compliance
7. Illumination provides regular diurnal lighting cycles and be uniformly diffused [02 NCAC 52J .0202(c)] - In Compliance
8. Interior building surfaces are impervious to moisture and can be readily sanitized. [02 NCAC 52J .0202(d)] - In Compliance
9. Drainage rapidly eliminates excess water. [02 NCAC 52J .0202(e)] - In Compliance
10. Closed drain systems equipped with traps and installed to prevent odors and backup of sewage. [02 NCAC 52J .0202(e)] - In Compliance
11. The drainage system constructed to prevent cross-contamination among animals [02 NCAC 52J .0202(e)] - In Compliance

**02 NCAC 52J .0203 OUTDOOR FACILITIES**

1. Primary enclosures and walkways constructed of sealed concrete or other surfaces impervious to moisture. [02 NCAC 52J .0203(a)] - Not Applicable
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - Not Applicable
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - Not Applicable
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - Not Applicable
5. One house available for each animal within each enclosure unless the animals are a mother and her unweaned offspring. [02 NCAC 52J .0203(b)] - Not Applicable
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - Not Applicable
7. Suitable method of drainage provided. [02 NCAC 52J .0203(e)] - Not Applicable

**02 NCAC 52J .0204 PRIMARY ENCLOSURES**

1. Primary enclosures constructed prevent contamination from waste and wastewater from animals in other enclosures. [02 NCAC 52J .0204(a)] - In Compliance
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - Needs Improvement
3. For primary enclosures placed into service on or after January 1, 2005, no wood within the animal's reach. [02 NCAC 52J .0204(a)] - Needs Improvement
4. For primary enclosures in use in a registered facility prior to January 1, 2005, any damaged wood replaced so that so that there's no contact with wood by the animal. [02 NCAC 52J .0204(a)] - In Compliance
5. Primary enclosures structurally sound, maintained in good repair and in a manner to prevent injury to animals, and keep other animals out. [02 NCAC 52J .0204(b)] - In Compliance
6. Primary enclosures provide space to allow animal to walk, turn about freely, and to easily stand, sit, or lie in a natural position. [02 NCAC 52J .0204(b)] - In Compliance
7. The height of primary enclosures other than cage no less than five feet. [02 NCAC 52J .0204(b)] - In Compliance
8. All enclosures constructed as to prevent the escape of animals. [02 NCAC 52J .0204(b)] - In Compliance
9. Each primary enclosure provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. [02 NCAC 52J .0204(c)] - In Compliance
10. All resting surfaces made of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. [02 NCAC 52J .0204(c)] - In Compliance
11. The resting surface or surfaces be elevated in primary enclosures housing two or more cats. [02 NCAC 52J .0204(c)] - In Compliance
12. In addition to Paragraph (b) of 02 NCAC 52J .0204, each dog shall be provided with the minimum square footage required by 02 NCAC .0204(d) [02 NCAC 52J .0204(d)] - In Compliance
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - In Compliance
14. If more than four dogs are housed in a common area or enclosure, then at least one person supervising each 10 dogs housed within each enclosure or common area. [02 NCAC 52J .0204(e)] - In Compliance
15. In addition to Paragraph (b) of 02 NCAC 52J .0204, each feline older than six months housed in any primary enclosure provided with a minimum of 4sq ft. of floor space which may include elevated resting surfaces. [02 NCAC 52J .0204(f)] - In Compliance
16. Each feline younger than 6 months provided 1.5 sq. ft. [02 NCAC 52J .0204(f)] - In Compliance
17. No more than 12 cats housed in the same primary enclosure. [02 NCAC 52J .0204(f)] - In Compliance
18. In all cat enclosures, receptacle with clean litter provided for waste. [02 NCAC 52J .0204(g)] - In Compliance
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - In Compliance

**#2> The concrete flooring, in the dog kennels and the surrounding area needs to be addressed. #3> At the back of each kennel there is a wood platform structure that needs to be addressed.**

**02 NCAC 52J .0205 FEEDING**

Dogs and cats fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. [02 NCAC 52J .0205(a)]

1. Food is commercially prepared food complying with laws applicable to animal feed or the food provided by the owner. [02 NCAC 52J .0205(a)] - In Compliance

2. The food is free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal meeting the daily requirements for nutritional value. [02 NCAC 52J .0205(a)] - In Compliance
3. Puppies and kittens less than six months of age fed at least twice in each 24-hour period. An eight-hour interval between feedings if only two feedings are offered in a 24-hour period. [02 NCAC 52J .0205(a)] - In Compliance
4. Food receptacles accessible to all dogs or cats. [02 NCAC 52J .0205(b)] - In Compliance
5. Food receptacles located to minimize contamination by waste. [02 NCAC 52J .0205(b)] - In Compliance
6. For every adult animal, at least one food receptacle offered. [02 NCAC 52J .0205(b)] - In Compliance
7. Food receptacles durable, clean and sanitized. [02 NCAC 52J .0205(b)] - In Compliance
8. Damaged receptacles replaced. [02 NCAC 52J .0205(b)] - In Compliance
9. Disposable food receptacles discarded after each feeding. [02 NCAC 52J .0205(b)] - In Compliance
10. Food and water receptacles in outdoor facilities protected from the elements. [02 NCAC 52J .0205(c)] - In Compliance

## 02 NCAC 52J .0206 WATERING

1. Continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. [02 NCAC 52J .0206] - In Compliance
2. Watering receptacles durable, clean and sanitized. [02 NCAC 52J .0206] - In Compliance
3. Damaged receptacles replaced. [02 NCAC 52J .0206] - In Compliance

## 02 NCAC 52J .0207 SANITATION

1. Waste removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats and to reduce disease hazards and odors. [02 NCAC 52J .0207(a)] - In Compliance
2. Enclosures and exercise areas for dogs and cats properly cleaned a minimum of two times per day. [02 NCAC 52J .0207(a)] - In Compliance
3. The animal must be able to walk or lie down without coming in contact with any waste or debris. [02 NCAC 52J .0207(a)] - In Compliance
4. When a hosing or flushing method is used for cleaning an enclosure, animals are removed during the cleaning process, and measures taken to protect the animals in other such enclosures from being contaminated with water and other wastes. [02 NCAC 52J .0207(a)] - In Compliance
5. Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories sanitized in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
6. In addition to primary enclosures being properly cleaned a minimum of two times per day, if the same animal is housed in the same enclosure more than seven days, enclosures and accessories sanitized at least once every seven days in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
7. Cages, rooms and hard-surfaced pens or runs be sanitized by:
  - washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or - Not Applicable
  - washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or - In Compliance
  - cleaning all soiled surfaces with live steam. [02 NCAC 52J .0207(3)(A-C)] - Not Applicable
8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - In Compliance
9. Soiled linens and cloth products mechanically washed with detergent and sanitized. [02 NCAC 52J .0207(b)(5)] - In Compliance
10. Any area accessible to multiple animals kept clean and sanitary. [02 NCAC 52J .0207(b)(6)] - In Compliance
11. Premises (buildings and grounds) kept clean and in good repair to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. [02 NCAC 52J .0207(c)] - In Compliance
12. Premises are free of accumulations of trash, junk, waste products, and discarded matter. [02 NCAC 52J .0207(c)] - In Compliance
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - In Compliance
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - In Compliance

## 02 NCAC 52J .0208 EMPLOYEES

1. Sufficient number of employees. [02 NCAC 52J .0208] - In Compliance
2. Supervision of an animal caretaker who has a background in animal husbandry or care. [02 NCAC 52J .0208] - In Compliance

## 02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

1. Animals in the same primary enclosure maintained in compatible groups. [02 NCAC 52J .0209] - In Compliance
2. Females in season (estrus) not be housed in the same primary enclosure with males except for planned breeding. [02 NCAC 52J .0209(1)] - In Compliance
3. Breeding not allowed in animal shelters. [02 NCAC 52J .0209(1)] - In Compliance
4. Aggressive animals housed individually in a primary enclosure. [02 NCAC 52J .0209(2)] - In Compliance
5. Puppies or kittens less than four months of age housed in the same primary enclosure with adults without written permission. [02 NCAC 52J .0209(3)] - In Compliance
6. Puppies or kittens between 4 and 16 weeks of age have daily access to human social interaction. [02 NCAC 52J .0209(3)] - In Compliance
7. Dogs not housed in the same primary enclosure with cats; dogs or cats not housed in the same primary enclosure with any other species of animals without written permission. [02 NCAC 52J .0209(4)] - In Compliance
8. Designated isolation area for animals being treated or observed for communicable diseases. [02 NCAC 52J .0209(5)] - In Compliance
9. Dogs or cats in isolation that are being treated for a communicable disease separated as to minimize dissemination of disease. [02 NCAC 52J .0209(5)] - In Compliance
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - In Compliance
11. Animals in long term care:
  - Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - Not Applicable
  - Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - In Compliance
  - A species and size-appropriate toy, unless it poses a health threat. [02 NCAC 52J .0209(6)(c)] - In Compliance
12. All animals confined in primary enclosures or exercise areas. [02 NCAC 52J .0209(7)] - In Compliance

## 02 NCAC 52J .0210 VETERINARY CARE

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - In Compliance
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - In Compliance
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - In Compliance
4. Sick or diseased, injured, lame, or blind dogs or cats provided with veterinary care [02 NCAC 52J .0210(c)] - In Compliance
5. If euthanasia is performed, a list of personnel approved to perform euthanasia maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. [02 NCAC 52J .0210(c)] - Not Applicable
6. Diseased or deformed animals sold or adopted only under the policy set forth in the "Program of Veterinary Care." [02 NCAC 52J .0210(c)] - In Compliance
7. Full written disclosure of the medical condition provided to the new owner. [02 NCAC 52J .0210(c)] - In Compliance
8. All animals in a licensed or registered facility in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. [02 NCAC 52J .0210(d)] - In Compliance
9. However, rabies vaccine not required for any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days. [02 NCAC 52J .0210(d)] - In Compliance

## 02 NCAC 52J .0301 VEHICLES

1. Vehicles mechanically sound. [02 NCAC 52J .0301(a)] - Not Applicable
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - Not Applicable
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - Not Applicable
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - Not Applicable

## 02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

1. Primary enclosures constructed, ventilated and designed to protect the health and insure the safety of the animals. [02 NCAC 52J .0302(a)] - Not Applicable
2. Such enclosures constructed or positioned so that:
  - Each animal in the vehicle has sufficient fresh air for normal breathing. [02 NCAC 52J .0302(a)(1)] - Not Applicable
  - The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - Not Applicable
  - The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - Not Applicable
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - Not Applicable
4. The animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms. [02 NCAC 52J .0302(a)] - Not Applicable
5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - Not Applicable
6. Puppies or kittens less than 4 months of age not be transported in the same primary enclosures with adults other than their dams. [02 NCAC 52J .0302(b)] - Not Applicable
7. Primary enclosures for transport large enough for each animal to turn about freely, and to easily stand, sit or lie down in a natural position. [02 NCAC 52J .0302(c)] - Not Applicable
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - Not Applicable
9. Animals not be placed in primary enclosure over other animals in transit unless such enclosure is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - Not Applicable
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302(e)] - Not Applicable

## 02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

1. If animals are transported for more than 12 hours:
  - The vehicles stop at least once every 12 hours for a period of 1 hour. During the 1-hour stop, potable water continuously provided for dogs and cats. [02 NCAC 52J .0303(1)] - Not Applicable
  - Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303(2)] - Not Applicable
  - Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)] - Not Applicable
  - Dogs removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours. [02 NCAC 52J .0303(3)] - Not Applicable

## 02 NCAC 52J .0304 CARE IN TRANSIT

1. The attendant or driver inspects animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed. [02 NCAC 52J .0304] - Not Applicable

## §19A-32.1 MINIMUM HOLDING PERIOD

1. All animals held for a minimum holding period (MHP) of 72 hours. [§19A-32.1(a)] - In Compliance
2. Animal made available for adoption unless exempted by §19A-32.1(b)(1-3). [§19A-32.1(a)] - In Compliance
3. Seriously ill or injured animal euthanized before the expiration of the MHP: a) Determination in writing from the animal shelter manager; and b) the writing includes the reason for the determination. [§19A-32.1(b)(2)] - In Compliance
4. Viewing for lost pet: a) entitled to view every animal; and b) at least 4 hours a day, 3 days a week. [§19A-32.1(c)] - In Compliance
5. Reasonable arrangements allow pet owners to determine whether their lost pets are amongst animals in restricted areas. [§19A-32.1(c)] - In Compliance
6. Fostering during MHP: at least 1 photograph displayed in a conspicuous location. [§19A-32.1(d)] - In Compliance
7. Foster care policies. [§19A-32.1(e)] - In Compliance
8. Owner surrendered and not reclaimed during the MHP: a) be returned to the owner, b) adopted, or c) euthanized. [§19A-32.1(f)] - In Compliance
9. Owner surrender disposed of before the expiration of the MHP: a) proof of ownership provided; and b) signed written consent to the disposition before the expiration of the MHP. [§19A-32.1(g)] - In Compliance

10. Owner surrender: statement in writing whether the dog has bitten any individual within the previous 10 days. [§19A-32.1(h)] - In Compliance
11. The person to whom an animal is released presents a valid form of government-issued photographic identification. [§19A-32.1(i)] - In Compliance
12. Documentation of the name of the person, the type of ID and the ID number. [§19A-32.1(i)] - In Compliance
13. Record of all animals impounded at the shelter maintained. [§19A-32.1(j)] - Needs Improvement
14. Retain the animal records for at least 3 years from the date of impoundment. [§19A-32.1(j)] - In Compliance
15. Animal records available for inspection during regular inspection or upon request of AWS. [§19A-32.1(j)] - Needs Improvement
16. Records contain at a minimum: date of impoundment, length of impoundment, disposition of each animal, name and address of person to whom the animal was released, any institution that person represents, and the identifying information; other information required by rules adopted by the Bd of Ag. [§19A-32.1(j)(1-4)] - Needs Improvement

#13, #15, #16> They are working on completing and organizing all required paperwork for each animal in the facility.

**General Comments:**

This is a NEW inspection for a temporary emergency animal shelter. While performing this inspection, Supervisor Blomquist and I were informed by Ms. Lee that they would only be utilizing this facility for 90 days. A temporary license will be granted for 90 days. Should Ms. Lee decide to extend that time, they will need to address the wood and other issues.

**Inspection Result:**

## Contingently/Conditionally Approved

Inspector's Signature	Date
Lisa Carlson	09/25/2018
Facility Representative's Signature	Date
Owner Lisa Lee in attendance.	09/25/2018

**Ray, Meghan**

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**From:** auto-reply@usps.com  
**Sent:** Monday, February 11, 2019 6:26 PM  
**To:** Ray, Meghan  
**Subject:** [External] USPS® Item Delivered EE320360301US

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report\\_spam@nc.gov](mailto:report_spam@nc.gov)



**Hello Meghan,**

Your item was delivered at 4:05 pm  
on February 11, 2019 in NEW BERN,  
NC 28560. The item was signed for by  
S FOLEY.

Tracking Number: **EE320360301US**

**Delivered**



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